

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.21183 OF 2005

Dated 30th September 2005

Between:

Smt.C.Chitravati W/o.C.Viswanatha Reddy.

...Petitioner

And

The A.P.Industrial Infrastructure Corporation Ltd.,

Rep.by its Vice-Chairman & Managing Director,

Hyderabad & another.

...Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.21183 OF 2005

ORDER:

The second respondent displayed a notice in its office, stating that certain plots in the Industrial Development Area, Uppal, are available for allotment. The petitioner submitted an application, for allotment of one such plots, enclosing a Demand Draft for a sum of Rs.4,45,000/-, towards Earnest Money Deposit (EMD). Through their letter, dated 8.9.2005, the second respondent rejected the application of the petitioner, and refunded the EMD. The petitioner challenges the action of the second respondent, mainly on the ground that no reasons were indicated for rejection of the application. He places reliance upon Regulation 6.3(b) of the Allotment Regulations, framed by the first respondent.

Heard Sri K.Rathanga Pani Reddy, learned counsel for the petitioner, and Sri

E.Madan Mohan Rao, learned counsel for the respondents.

The petitioner made an application to the respondents, for allotment of a plot in the Industrial Development Area, Uppal. There is no dispute as to submission of such application. The second respondent addressed a letter, dated 8.9.2005, refunding the EMD, and thereby, impliedly rejected the application of the petitioner for allotment of the plot. In the absence of any requirement under law, to stipulate the reasons, no exception can be taken to the letter, addressed by the second respondent. The reason is that it is always within the discrimination of the respondents, either to grant, or not to grant plots, particularly, when the application was made, on the strength of an invitation or tender. However, a perusal of the Allotment Regulations, framed by the first respondent, discloses that whenever such applications are rejected, reasons thereof are required to be indicated. Regulation 6.3(b) of Allotment Regulations reads as under:

“If the plot/shed/shop/godown sought by the applicant is not vacant, the Zonal Manager shall return the EMD, duly giving reasons for not considering the application”

The impugned letter does not accord with the regulation, extracted above. When the regulation mandates that reasons are to be indicated, the letter, without containing any reasons, cannot be sustained in law.

For the foregoing reasons, the writ petition is disposed of, directing the second respondent to consider the application of the petitioner, afresh, and in case it is found that the request of the petitioner cannot be acceded to, the reasons thereof shall be intimated to the petitioner. This exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

30th September 2005

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